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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,860	01/14/2004	Jeffrey S. Pyle	508P003	3418
28264	7590	02/21/2006	EXAMINER	
BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355			LOBO, IAN J	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,860

Applicant(s)

PYLE, JEFFREY S.

Examiner

Ian J. Lobo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-17 in the reply filed on January 25, 2006 is acknowledged.

2. Claims 18-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 25, 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1;

line 3, there is no antecedent for "said points".

line 10, there is no antecedent for "said first end of said conductor".

Further, on line 1, it appears that the word "of" is missing after "value".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver et al ('670) or Rouquette ('930).

Per claim 1, the patent to Oliver et al discloses a system for measurement of the value of a parameter (acoustic ranging, depth, position) at a plurality of spaced locations. The system includes an elongated member (20), a plurality of sensing elements (51), an electrical power source (col. 5, line 43), and a means (225, 252) for inductively coupling the power source to the sensing elements. It is noted that although Oliver et al discloses on col. 27, lines 17-18, that a battery may be utilized, it is not a requirement. Further the power supply (300) is merely a power converter. Claim 1 is so anticipated.

Per claim 1, the patent to Rouquette discloses a system for measurement of the value of a parameter (col. 4, lines 4-33) at a plurality of spaced locations. The system includes an elongated member (22), a plurality of sensing elements (24, 26, 28), an electrical power source (38), and a means (46A, 48A) for inductively coupling the power source to the sensing elements. Claim 1 is so anticipated.

Dependent claims 2-5 are further anticipated by Oliver et al or Rouquette.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al ('670) or Rouquette ('930) in view of Montgomery, Jr. et al ('638).

The Oliver et al and Rouquette patents has been addressed above with respect to claim 1. Per claim 12, the patent to Oliver et al discloses a method of measuring the value of a predetermined parameter (acoustic depth, range or position) at a plurality of locations spaced along the length of an elongated member (20). The method includes positioning a sensing element (51) at each of the plurality of positions, providing a source of electrical power (at the ship), inductively coupling the source of electrical power to each sensing element (col. 5, lines 39-59), positioning a twisted wire bundle (22) to extend in proximity to each of the sensing elements and transmitting the sensed signals via the cable to the ship.

Similarly, per claim 12, the patent to Rouquette discloses a method of measuring the value of a predetermined parameter (acoustic depth, range or position) at a plurality of locations spaced along the length of an elongated member (22). The method includes positioning a sensing element (24, 26, 28) at each of the plurality of positions, providing a source of electrical power (at the ship), inductively coupling the source of electrical power to each sensing element (col. 4, line 41), positioning a coaxial cable (22

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and col. 5, line 54-59) to extend in proximity to each of the sensing elements and transmitting the sensed signals via the cable to the ship.

The difference between dependent claim 6 and independent claim 12 and Oliver et al or Rouquette is the claimed use of a "coaxial cable". Oliver et al (col. 5, lines 40+) utilize "a flexible, water tight skin surrounding a wire bundle" and will further "contain one or more longitudinally extending stress members". Rouquette utilizes a twisted pair conductor.

The patent to Montgomery, Jr. et al teaches (col. 1, lines 13-41) teaches the advantages of using coaxial cables over twisted pair wire conductors, one of which is a significant cost savings.

In view of Montgomery, Jr. et al, it would be obvious to one of ordinary skill in the art to modify the system of Oliver et al or Rouquette by substituting a coaxial cable for the twist pair wires or bundle of Rouquette or Oliver et al so as to provide a cost savings to the system and method. Claims 6-9 and 12-15 are so rejected.

Per claims 10, 11, 16 and 17, the inductive coupling structures of Rouquette and Oliver inherently are antenna's (rf transmitting and receiving means).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian J. Lobo whose telephone number is (571) 272-6974.

The examiner can normally be reached on Monday - Friday, 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ian J. Lobo
Primary Examiner
Art Unit 3662

ijl